IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18-9-2006

CORAM:

THE HONOURABLE MR.JUSTICE P.SATHASIVAM
and
THE HONOURABLE MR.JUSTICE S.TAMILVANAN

H.C.P.No.662 of 2006

Parthiban .. Petitioner (Detenu)

Vs.

1.The State of Tamilnadu
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai,Chennai 600 008. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issue of a writ of Habeas Corpus call for the entire records leading to the detention of the petitioner namely Parthiban S/o. Kuppuraj has been detained under Act 14/82 as a Goonda Vide detention Order dated 23.1.2006 on the file of the 2nd Respondent herein made in Memo No.25/BDFGISV/2006 quash the same and direct the Respondent to produce the body of the said detenu before this Court and set him at liberty from the Central Prison, Chennai.

For petitioner : Mr.M. Rajavelu

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name Parthiban, who was detained as "Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 23.01.2006, challenge the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. The only contention raised by the learned counsel appearing for the petitioner is that the representation sent by the father of the detenu has not been considered by the Government. Elaborating the above contention, learned counsel has brought to our notice that the representation was sent by the father of the detenu only on 11.09.2006. The learned Additional Public Prosecutor on instruction reports that the said representation was received by the Government on 14.09.2006 and he further submitted that thereafter, the same was forwarded to the second respondent, Commissioner of Police, and according to him the Government is awaiting remarks from the Commissioner / sponsoring authority. He further submitted that on receipt of the remarks the representation will be considered and necessary orders will be passed.

4. It is not clear though the detention order was passed as early as on 23.01.2006, no representation was made till 11.09.2006. In view of the fact that the representation was made just a week before and of the fact that the Government have called for necessary remarks from the detaining authority as well as sponsoring authority, they cannot be blamed for not considering the said representation. We hope and trust that the representation dated 11.09.2006, received by the Government on 14.09.2006 will be considered and disposed of in accordance with law. Learned counsel fairly submits that except the above said ground, he has no other points to urge.

5. Further, a perusal of the grounds of detention show that apart from the ground case,the detenu had involved in eight cases during the year 2005-2006. It is also brought to our notice by the learned Additional Public Prosecutor that in six cases he was convicted apart from the adverse cases referred to above. Taking

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note of all these aspects and in view of the reason stated in the grounds of detention, we are of the view that there is no ground for interference. Accordingly, this petition fails and the same is dismissed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,Chennai 600 008.

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent, Central Prison,
Chennai.

5. The Jt Secretary to Govt of TN
Public (Law and Order) Department
Fort St George, Madras.

MM(CO)
SR/28.9.2006

Order in
HCP.No.662 of 2006

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